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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/552,657 04/19/00 NAKAJIMA

T 0557-4969-2

022850 MM91/1011
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EXAMINER

PHAN, T

ART UNIT

PAPER NUMBER

2872

DATE MAILED:

10/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/552,657

Applicant(s)
Nakajima

Examiner
James Phan

Art Unit
2872



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 2, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above, claim(s) 5-8 and 18-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 9-11, and 13 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 12, and 14-17 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

Election/Restriction

1. Applicant's election with traverse of species (1) including claims -4 and 9-17 in Paper No. 7 is acknowledged. The traversal is on the ground(s) that (1) the election requirement is contrary to MPEP Section 816, that (2) the election requirement fails to show that pending claims recite mutually exclusive characteristics, and that (3) there would be no serious burden on the examiner in searching and examining the entire application. This is not found persuasive because (1) MPEP Section 816 is not a requirement for election of **species** requirement; (2) as identified by applicant, listed claims 1-4 and 9-17 of the elected species (1) recite limitations which are disclosed in the first embodiment and which are not disclosed in the non-elected species; and the non-elected species including claims 5-8 and 18-31 having limitations which are not disclosed in the elected species; and (3) each of the patentably distinct species requires a separate search and examination and thus a serious burden on the examiner has been shown.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 5-8 and 18-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species.

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 9 and 10 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Nakajima et al. See Figs. 2A, 4A and 6.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al.

Nakajima et al discloses a multibeam scanning apparatus which comprises all claimed features except for a light beam restricting unit for shaping the light beams from the laser diodes. However, the use of a light beam restricting unit for shaping the light beams from the laser diodes is well known in the art. Imakawa et al also discloses a multibeam scanning apparatus which comprises a light beam restricting unit disposed at the intersection of the light beams for shaping

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the light beams from the laser diodes so as to make the diameter of each light beam uniform (Fig. 14 and column 10, lines 9-25). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Imakawa et al in Nakajima et al for the purpose stated in Imakawa et al.

Allowable Subject Matter

7. Claims 2-3, 12, and 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


8. The following is a statement of reasons for the indication of allowable subject matter: none of the cited references teaches or fairly suggests the claimed invention specified in claims 2-3, 12, and 14-17.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (703) 308-4810. The fax phone number for this Group is (703) 308-7726.

Phan, J.

October 8, 2001


James Phan
Primary Examiner